

## REMARKS

The Examiner correctly states that claims 18-26, 31, 32 and 34-42 remain presented for examination due to the restriction requirement. In order to procure an allowance, these claims have been cancelled and will be re-filed in a divisional application.

The Examiner indicated that the title was not descriptive. A new title has been provided that specifically describes the remaining claims at issue.

In paragraph [0002], the Examiner indicated that reference must be made to certain patent applications. This language was added to the paragraph.

The Examiner urged the Applicant to review the application and claims for errors. The claims have been scrutinized for errors. Claims 18-26, 31, 32 and 34-42 were rejected under 35 USC § 101 because the claims were directed to non-statutory subject matter in that the claims appeared to be software or programs per se. The remaining independent method claim, claim 18, was amended to include the words "a method executed on hardware" as suggested by the Examiner. Claim 31, has been amended to include a storage media with program instructions which are hardware computer-executable to certain tasks, as suggested by the Examiner which overcomes this rejection. The apparatus independent claim, claim 34 was rejected under this section of the office action; however these claims were not addressed. In anticipation of the rejection being brought up in a future office action, claim 34 has been amended to claim "a hardware apparatus..." with corresponding revisions to the dependent claims for consistency. With these amendments, the Applicant has overcome these rejections. These amendments to the claims were to merely fix some language issues and not due to a substantive prior art based rejections, thus a new search is not necessary.

Claims 18-26, 31, 32 and 34-42 were rejected under 35 USC § 112, second paragraph, as being indefinite because the Examiner could not ascertain if the claims encompass hardware, software or a combination. These rejections are similar and complementary to the rejections in item 8 of the office action. The amendments to the claims as set forth in the discussion under § 101 have obviated these rejections.

Claims 18-26, 31, 32 and 34-42 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 71-91 of U.S. Patent Application 10/987,123. A terminal disclaimer will be filed to overcome this rejection and will be filed upon allowance of these claims.

Claims 24, 25, 26, 32, 40, 41 and 42 were rejected under 35 USC § 102(e) as being anticipated by Togawa. Claims 24, 25, 26, 32, 40, 41 and 42 have been canceled.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Applicant does not believe any fees are due regarding this amendment. If any fees are required, however, please charge Deposit Account No. 17-0026. Applicant encourages the Examiner to telephone the Applicant's attorney should any issues remain.

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Respectfully submitted

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